IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

WP(C).No. 35042 of 2007(V)

PETITIONER:

MUHAMMED ALI KHOORI,
S/O UNNENKUTTY KOORI, AGED 46 YEARS,
ADIKARITTHODI HOUSE, MELMURI POST, PIN 676514,
REPRESENTED THROUGH HIS P/A, SRI. MANOJ P.S.,
S/O SIVAN, AGED 27 YEARS, PALISSERY HOUSE,
CHERAI POST, ERNAKULAM-683514.

BY ADV. SRI.DENIZEN KOMATH

RESPONDENTS:

---

1. PALLIPPURAM GRAMA PANCHAYAT,
(SPECIAL GRADE), CHERAI P.O., REPRESENTED BY ITS
SECRETARY.

2. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, DEPARTMENT OF SCIENCE,
TECHNOLOGY AND ENVIRONMENT,GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

3. THE KERALA COASTAL ZONE MANAGEMENT
AUTHORITY, SASTRA BHAVAN, PATTOM,
THIRUVANANTHAPURAM-4, REPRESENTED BY ITS
MEMBER SECRETARY.

4. CENTRE FOR EARTH SCIENCE STUDIES(CESS),
P.B.NO.7250, AKKULAM, THIRUVANANTHAPURAM-31,
REPRESENTED BY ITS CO-ORDINATOR(CRZ PROJECTS),
MARINE SCIENCES DIVISION.

5. UNION OF INDIA, REPRESENTED BY ITS
SECRETARY, MINISTRY OF ENVIRONMENT &
FORESTS, NEW DELHI.

R2-R3 BY SPECIAL GOVT. PLEADER MR.C.M.SURESH BABU
R5 BY MR.P.PARAMESWARAN ANIR, ASST. SOLICITOR GENERAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

- -

W.P.(C) No.35042 of 2007

- -

Dated: 30th November, 2007

JUDGMENT

Under challenge in this Writ Petition is Ext.P1 order of demolition passed by the Secretary of the Panchayat in respect of what is described in that order is an unauthorised building constructed in violation of Coastal Zone Regulation Notifications (CRZ). The case of the petitioner is that the building was an existing building and what the petitioner attempted to do was to renovate that building. The petitioner relies on Ext.P3 judgment of this court.

2. Mr.C.M.Suresh Babu, learned Special Government Pleader appearing for the 2nd respondent drew my attention to the order of the Supreme Court in Civil Appeal No.3726 of 2003 (arising out of SLP(C) No.5038 of 2002) which arose from the judgment of this court in O.P.No.13094 of 1998 and submitted that the competent authority to decide the issue is the Kerala Coastal Zone Management Authority, the third respondent herein.

3. Considering the order of the Supreme Court, I dispose of the Writ Petition directing the petitioner to approach the third respondent-authority by filing necessary application seeking permission to complete the construction of the building which is

subject matter of Ext.P1. If an application as directed above is received by the third respondent from the petitioner within two weeks of receiving copy of this judgment, the third respondent will consider that application, hear the petitioner and take a correct decision. Decision as directed above will be taken at the earliest and at any rate within two months of receiving the application. Till such time as decision is taken as directed above by the third respondent, the petitioner and the 1st respondent will maintain status quo as obtaining today as regards the building mentioned in Ext.P1 order.

srd **PIUS C.KURIAKOSE, JUDGE**